

TTAB

**Fredrikson**

**& BYRON, P.A.**

April 20, 2005

**VIA U.S. MAIL**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail, postage prepaid, and in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on

4/20/05 Date  
Molly O'Brien Loussaert  
Signature

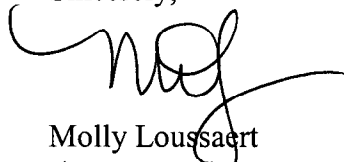
Re: Medtronic, Inc., and Cardiac Pacesetter, Inc. d/b/a St. Jude Medical Cardiac  
Rhythm Management Division  
Opposition No. 91163746

Dear Commissioner:

Enclosed for filing with your office, please find Medtronic, Inc.'s Clarification to Joint Submission and Stipulation and Request to Amend Order to Dismiss PACERPLUS Application Serial No. 76/535,841 (Opposition No. 91163746) With Prejudice in regard to the above-referenced matter.

By copy of this letter, opposing counsel is served.

Sincerely,



Molly Loussaert  
Attorney at Law  
Direct Dial: 612.492.7308  
Email: mloussaert@fredlaw.com

MOL/lmm/3109766  
Enclosure

cc: James T. Nikolai, Esq.



04-22-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

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In the Matter of Trademark Serial No's. 76/535,842, 76/535,841, 76/535,840, and 76/536,437  
For the Marks: PACERMAKERPLUS, PACERPLUS, PACER+ and PACEMAKER+

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Medtronic, Inc.,

Opposer,

Opposition No. 91161441

Opposition No. 91161444

v.

Opposition No. 91161204

Cardiac Pacemakers, Inc.,

Applicant

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Pacesetter, Inc. d/b/a St. Jude Medical  
Cardiac Rhythm Management Division,

Opposer,

Opposition No. 91161301

Opposition No. 91162106

v.

Opposition No. 91161126

Cardiac Pacemakers, Inc.,

Applicant.

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Medtronic, Inc., and Pacesetter, Inc.  
d/b/a St. Jude Medical  
Cardiac Rhythm Management Division,  
Opposer,

Opposition No. 91163746

v.

Cardiac Pacemakers, Inc.,

Applicant.

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4/29/05  
Date

Molly O'Brien Loussac

Signature

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**CLARIFICATION TO JOINT SUBMISSION AND STIPULATION AND  
REQUEST TO AMEND ORDER TO DISMISS PACERPLUS  
APPLICATION SERIAL NO. 76/535,841 (OPPOSITION NO. 91163746)  
WITH PREJUDICE**

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The parties to the above-captioned opposition filed a Joint Submission and Stipulation with the Trademark Trial and Appeal Board (the "Board") on or about March 4, 2005, requesting, among other things, that the Board dismiss Application Serial No. 76/535,841 because the Applicant, Cardiac Pacemakers, Inc. ("Applicant") abandoned the application.

The Board treated the Joint Submission and Stipulation as evidence that Opposer Medtronic, Inc. ("Opposer") consented to the abandonment. While Opposer consented to consolidation of related cases and changes to the case schedule, Opposer did not consent to the abandonment. Indeed, Opposer had several discussion with Applicant about the abandonment and each time Opposer indicated that it would not consent to a dismissal without prejudice. As such, the application should be dismissed with prejudice. See Trademark Rule 2.135.

The undersigned apologizes for this ambiguity and submits this clarification to correct the error.

Dated: April 20, 2005



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Attorneys for Opposer Medtronic, Inc.

**Certificate of Service**

I hereby certify that a true copy of CLARIFICATION TO JOINT SUBMISSION AND STIPULATION AND REQUEST TO AMEND ORDER TO DISMISS PACERPLUS APPLICATION SERIAL NO. 76/535,841 (OPPOSITION NO. 91163746) WITH PREJUDICE was served by United States mail on the attorney of record for Applicant in this action, Mr. James T. Nikolai , Nikolai & Mersereau, P.A., 820 International Centre, 900 Second Avenue So., Minneapolis, Minnesota, 55402, by mailing it to address of record by first class mail, postage prepaid, this 20 day of April, 2005.

  
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Molly O'Brien Loussaert

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